

**EXCERPTS FROM THE
SAN LEANDRO PLANNING COMMISSION
REGULAR MEETING**

City Council Chambers, First Floor
835 East 14th Street
San Leandro, California 94577

7:00 p.m. Regular Meeting

May 15, 2014

Item 1: Roll Call

Present: Planning Commissioners Esther Collier (District 6); Kevin Leichner (District 1); Kai Leung (District 4); Vice Chair Ed Hernandez (District 2); Chair Denise Abero (District 3).

Absent: Planning Commissioners Tom Fitzsimons (District 5); Scott Rennie (At Large).

Staff: Elmer Penaranda, Senior Planner; Tom Liao, Secretary to the Planning Commission and Deputy Community Development Director; Jennifer Faught, Assistant City Attorney; Larry Ornellas, Facilities Coordinator; Barbara Templeton, Recording Secretary.

Item 7B: Public Hearings

PLN2014-00007, Modification of Planned Development; to construct new gates and fencing for the Heron Bay residential development. The proposed gates and fencing includes construction of 1) residents' vehicular and pedestrian gates measuring up to eight feet tall located on Bayfront Drive; 2) visitors' gates up to eight feet tall located on Anchorage Drive; and 3) fencing and gates up to seven feet tall for the open space at the northern entrance of the development, set back approximately 25 feet from the face of the curb of the Lewelling Boulevard circle. RS(PD) Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26 and 80G-1406-29. P. Hartzell, Bay Cities Automatic Gates (applicant); Heron Bay Homeowners Association (HOA) c/o C. Yonning, Professional Association Services Inc. (property owner). (Penaranda)

Secretary Liao announced that Item 7B (PLN2014-00007) has been rescheduled to a date certain, June 19, 2014, at the request of the property owner, Heron Bay Homeowners Association, and the applicant, Peter Hartzell of Bay Cities Automatic Gates.

Chair Abero inquired whether anyone in the audience came to speak on Item 7B. Because they came to the meeting unaware that the item would be rescheduled, she said they would be allowed to speak tonight. For this purpose, she invited a motion to move Item 7B up on the agenda, preceding Item 7A (PLN 2014-0006).

Motion to move Item 7B ahead of Item 7A on the agenda

Collier/Leichner: 5 Aye, 0 No (2 Absent)

Chair Abero gave each speaker three minutes.

James Behan, Lloyd Avenue, San Lorenzo, said he's a longtime resident who typically walks out to Heron Bay via Lewelling Boulevard. Recalling when the Heron Bay community was being built, there was an element of the document that ensured public access to the Bay. He said for several years, people going to the Bay parked in the development also, until the HOA clamped down and started towing visitors' cars away, and a lot of people were hit with large towing bills. Mr. Behan was told no non-residents need to come into the Heron Bay community after dark. He said putting in gates is no way to keep public access open. An alternative would be cameras, which would not offend anyone and gather all the data needed. He said there's already a cyclone gate on the wooden bridge, which has never been closed, but he worries about that closing as well. Otherwise people can enter from the Marina or the waste plant on the San Lorenzo side.

David Boles, Wicks Boulevard, said he walks along Heron Bay almost every day, and he essentially agrees with the staff report. As for the towing, he said that's not a characteristic of a good neighbor to the rest of the people in the area. He said the same things, good and bad, happen in his neighborhood as in the Heron Bay development, but they're not about to gate off Wicks Boulevard. Apparently the PUD specified that the HOA was to manage traffic and enforce traffic rules, but it hasn't worked from the beginning. He said people take their lives in their own hands when they drive on that circle. The first street to the right comes in at an angle that makes it difficult to see when the vegetation needs trimming, as it often does. Pointing out that the staff report mentions shoreline access, Mr. Boles noted that generally speaking, streets are public in other PDs in that area, such as Marina Vista, on the site of the former Marina High School and the Argonne School property. He said that although the security issues are no different than in Heron Bay, part of the point of planning is to maintain the same rights for everyone.

Richard Brennan, Gavia Court, who expects to be elected to the Heron Bay HOA, said he received an email blast indicating this item has been postponed and is not on tonight's agenda and so he's very concerned to hear Heron Bay being discussed. He said there's no revised agenda on the San Leandro website. Chair Abero said that the item indeed has been postponed, but due to the short notice, people showed up and were given the chance to make their public comments.

Ruth Behan, Lloyd Avenue, said they called the *San Leandro Times* for help in getting the word out on the Heron Bay issue because people in the area don't know what's going on. She said she was pleased to learn the item was postponed, because it gives people time to learn about it.

Motion to continue this item to the Planning Commission meeting of June 19, 2014

Collier/Hernandez: 5 Aye, 0 No (2 Absent)

END OF EXCERPTS